

Notice of Allowability**Application No.**

10/009,568

Examiner

Andrea D Small

Applicant(s)

BENTLEY ET AL.

Art Unit

1626

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to paper filed 5/27/2003.
2. ☒ The allowed claim(s) is/are 1-9, 11-15, 25-27, 29 and 31-35, renumbered 1-23.
3. ☐ The drawings filed on _____ are accepted by the Examiner.
4. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☒ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☒ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).
 - * Certified copies not received: _____.
5. ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
 - (a) ☐ The translation of the foreign language provisional application has been received.
6. ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application. **THIS THREE-MONTH PERIOD IS NOT EXTENDABLE**

7. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
8. ☐ CORRECTED DRAWINGS must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No. _____.
 - (b) ☐ including changes required by the proposed drawing correction filed _____, which has been approved by the Examiner.
 - (c) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No. _____.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet.

9. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- | | |
|---|--|
| 1 <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 2 <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3 <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 4 <input checked="" type="checkbox"/> Interview Summary (PTO-413), Paper No. <u>7/28</u> . |
| 5 <input checked="" type="checkbox"/> Information Disclosure Statements (PTO-1449), Paper No. <u>3/26</u> . | 6 <input checked="" type="checkbox"/> Examiner's Amendment/Comment |
| 7 <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit of Biological Material | 8 <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance |
| | 9 <input type="checkbox"/> Other |

DETAILED ACTION

I. Applicant's Response:

(a) Applicant's response filed 5/27/2003 has been received and entered into the file.

II. Remarks:

(a) Rejection under 35 USC 013(a): The affidavit supplied by Applicant in support of the unexpected results indicated has overcome the rejection of record. Hence, the rejection is withdrawn.

(b) Objections as to claims being dependent on a previous claim. The renumbering of claims authorized by Applicant's attorney, Matthew Mulkeen, has overcome said objections.

(c) Objections to claims as being dependent on rejected base claims has been overcome in view of the withdrawal of rejections as stated supra.

III. Examiner's Amendment:

(a) Claims 18-22 have been cancelled. Claims 31-35 have been newly added. Claims 31-35 were original claims 18-22. No new matter has been added. This has been done so that the claims may now properly depend from a previous claim. See attached Examiner's amendment. Authorization was provided by Applicant's representative, Matthew Mulkeen.

(b) An amendment to the specification is also inserted to present the claim of priority at the first line of the specification.

IV. Reasons for Allowance:

American Home Products (GB 1,013,908) is the closest art of record. This reference does not teach or suggest to one of ordinary skill in the art to prepare an isopropyl substituted amino at the

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1 position of the 2,3-cyclicindole moiety. Therefore, claims 1-9, 11-15, 25-27, 29 and 31-35 renumbered 1-23 are allowed.

V. Contact Information:

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Andrea D. Small, whose telephone number is (703) 305-0811. The examiner can normally be reached on Monday-Thursday from 8:30 AM - 7:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mr. Joseph K. McKane, can be reached at (703) 308-4537. The Unofficial fax phone number for this Group is (703) 308-7921. The Official fax phone numbers for this Group are (703) 308-4556 or 305-3592.

When filing a FAX in Technology Center 1600, please indicate in the Header (upper right) "Official" for papers that are to be entered into the file, and "Unofficial" for draft documents and other communications with the PTO that are not for entry into the file of the application. This will expedite processing of your papers.

Communications via Internet e-mail regarding this application, other than those under 35 U.S.C. 132 or which otherwise require a signature, may be used by the applicant and should be addressed to [Joseph.McKane@uspto.gov]. All Internet e-mail communications will be made of record in the application file. PTO employees will not communicate with applicant via Internet e-mail where sensitive data will be exchanged or where there exists a possibility that sensitive data could be identified unless there is of record an express waiver of the confidentiality requirements under 35 U.S.C. 122 by the applicant. See the Interim Internet Usage Policy published by the Patent and Trademark Office Official Gazette on February 25, 1997 at 1195 OG 89.

Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist, whose telephone number is (703) 308-1234

Andrea D. Small, Esq.
September 9, 2003

Joseph K. McKane
Supervisory Patent Examiner
Art Unit 1626
Technology Center 1

Alan L. Rotman

ALAN L. ROTMAN
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 1600

EXAMINER'S AMENDMENT TO THE CLAIMS

(a) Cancel claims 18-22.

(b) Add new claims 31-35.

--31. (New) A method according to claim 25 wherein the disorders of the central nervous system are selected from the group consisting of depression, atypical depression, bipolar disorders, anxiety disorders, obsessive-compulsive disorders, social phobias or panic states, sleep disorders, sexual dysfunction, psychoses, schizophrenia, migraine and other conditions associated with cephalic pain or other pain, raised intracranial pressure, epilepsy, personality disorders, age-related behavioral disorders, behavioral disorders associated with dementia, organic mental disorders, mental disorders in childhood, aggressivity, age-related memory disorders, chronic fatigue syndrome, drug and alcohol addiction, obesity, bulimia, anorexia nervosa and premenstrual tension. —

--32. (New) A method according to claim 25 wherein the damage to the central nervous system is by trauma, stroke, neurodegenerative disease or toxic or infective CNS diseases.—

--33. (New) A method according to claim 32 wherein said toxic or infective CNS disease is encephalitis or meningitis.—

--34. (New) A method according to claim 25 wherein the cardiovascular disorder is thrombosis.—

--35. (New) A method according to claim 25 wherein the gastrointestinal disorder is dysfunction of gastrointestinal motility.—



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EXAMINER'S AMENDMENT TO THE SPECIFICATION

To the first line of the specification, please insert the phrase:

--This application is a 371 of PCT/GB00/03011 08/04/2000.—

Joseph K. McKane
Supervisory Patent Examiner
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Alan L. Rotman
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